

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department - Departmental proceedings initiated against Sri K. Laxminarayana, Ex-Secretary (Retd.), A.M.C., Kataram, Karimnagar District for allegations of irregularities in expiry of Pesticides at A.M.C., Kataram – Imposing of Penalty - Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Ms.No. 29

Dated: 04-03-2013
Read the following:-

- 1) Charge Memo No.DC(2)173/2003, dt.13-08-2003 of the DoM, Hyd.
- 2) Procs.No.DS(2)173/2003,dt.12-09-2008 of the C&DOAM, Hyd.
- 3) From APAT, Hyd. Order dt.07-09-2010 in O.A.No.8526/2008 filed by Sri K. Laxminarayana, Secretary Grade-III(Retired).
- 4) Govt. Memo No.15434/Vig.II(1)/2008-6, dt.15-04-2011.
- 5) From JDM, Hyderabad & Inquiry Officer, Inquiry Report, dt.24-11-2011.
- 6) Govt. Memo No.15434/Vig.II(1)/2008-8, dt.21-02-2012.
- 7) From Sri K. Laxminarayana, Secretary Grade-III(Retired), Representation, dt.09-03-2012.
- 8) Govt. Memo No.15434/Vig.II(1)/2008-9, dt.05-05-2012.
- 9) Govt. Memo No.15434/Vig.II(1)/2008-10, dt.11-09-2012.
- 10) From C&DOAM, Hyd. Lr.No.DS(2)173/2003, dt.20/12/2012.
- 11) Govt. Memo Lr.No.15434/Vig-II(1)/2008-11, dt.18-01-2013.
- 12) From the Secretary, APPSC, Lr.No.173/RT/2/2013, dt:04.02.2013.

ORDER:

In a disciplinary case, the Commissioner & Director of Agricultural Marketing, Hyderabad had initiated disciplinary proceedings by framing the article of charge against Sri K. Laxminarayana, Ex-Secretary, AMC, Kataram, Karimnagar vide reference 1st read above and concluded the said disciplinary proceedings by awarding a penalty of “stoppage of one annual grade increment without cumulative effect besides recovery of Rs.63,315/-” against the Charged Officer, who was retired from service on 29-02-2008 on attaining the age of superannuation, vide reference 2nd read above.

2. Sri K. Laxminarayana, Secretary Grade-II (Retired), AMC, Warangal has filed an O.A.No.8526/2008 before Hon'ble A.P. Administrative Tribunal on the above penalty vide reference 3rd read above. The A.P.A.T. in its order dt.07.09.2010, in the above O.A.No.8526/2008, have ordered as follows:-

“In the present case, charge memo was issued on 13-08-2003 relating to the events of 1999. The enquiry report discloses that no opportunity was given to the applicant and the enquiry was not conducted in the presence of the applicant. No witnesses were examined and no documents were marked. As per Rule 9 (2) of A.P. Revised Pension Rules, the State is the competent authority to pass final orders, but not the 2nd Respondent.

In the light of the above circumstances, the O.A. is allowed. The impugned proceedings dt.12-09-2008 issued by the 2nd Respondent are set aside and the amount, if any, recovered from the applicant shall be refunded to him. The Respondents are further directed to pay the terminal benefits of the applicant as per Rules within three months from the date of receipt of this order”.

3. In the light of the above orders of Hon'ble Tribunal, dt.07.09.2010, in the reference 4th read above, Government have cancelled the penalty of “Stoppage of one annual grade increment without cumulative effect besides recovery of Rs.63,315/-” imposed by the Commissioner & Director of Agricultural Marketing, Hyderabad against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired). Government have also ordered to continue the disciplinary proceedings initiated against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) for logical conclusion as per due procedure in force and have appointed Joint Director of Marketing, Hyderabad as Inquiry Authority to conduct inquiry into the charge framed against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired). The Joint Director of Marketing, Hyderabad & Inquiry Officer, has furnished the inquiry report dt.24-11-2011 concluding that the charge framed against the C.O. Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) is sustainable vide reference 5th read above.

4. In the reference 6th read above, while communicating a copy of inquiry report dt.24.11.2011 of the Joint Director of Marketing, Hyderabad & Inquiry Officer, the C.O. Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) was requested to submit his representation if any on the findings of the inquiry report. In response to the above, Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired), has submitted his representation dt.09.03.2012 vide reference 7th read above.

5. Government have examined the matter and provisionally decided to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri K. Laxminarayana, Secretary Grade-II(Retired) under Rule 9 of the A.P. Revised Pension Rules, 1980.

6. In the reference 8th read above a show cause notice was issued to Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired), with a direction to show cause as to why the penalty of withholding of 10% pension for a period of 5 (five) years should not be imposed against him for the charge held proved against him. Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired), has submitted his representation to the show cause notice vide reference 9th read above.

7. Government have examined the matter carefully with reference to the record of inquiry and the representation submitted by the Charged Officer and decided to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) under Rule 9 of the A.P. Revised Pension Rules 1980, in the above disciplinary case. Accordingly, Government have consulted the A.P. Public Service Commission for their concurrence vide reference 11th read above as per rules in force.

8. In the reference 12th read above, the Andhra Pradesh Public Service Commission, Hyderabad has concurred the proposal of the Government to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired).

9. Government, after careful examination of the entire matter, have decided to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) under Rule 9 of the A.P. Revised Pension Rules, 1980. Accordingly, Government hereby order to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District (Retired) under Rule 9 of the A.P. Revised Pension Rules, 1980.

10. The Commissioner and Director of Agricultural Marketing, Hyderabad shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K. Laxminarayana, Ex-Secretary, A.M.C., Kataram, Karimnagar District
(Retired) (Through: The Commissioner & Director of Agricultural Marketing,
A.P., Hyderabad).

Copy to: -
The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad
along with Service Register received vide C&DOAM, Hyderabad, Lr. dt:20.12.2012.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Sc/Sf.

// FORWARDED BY ORDER //

SECTION OFFICER